

Notice of Allowability

Application No.

09/893,874

Examiner

Ayal I. Sharon

Applicant(s)

KOBAYASHI ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Amendment filed 9/19/2005.
2. ☒ The allowed claim(s) is/are 20,21,31 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/11/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Introduction

1. Claims 20-21 and 31-32 of U.S. Application 09/893,874 filed on 6/29/2001 are presented for examination. This application claims priority to Japanese application 2000-197803, filed on 6/30/2000. Claims 1-4, 9-13, 18-19, 22-24 and 29-30 were cancelled in the After Final Amendment filed 9/19/2005.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Applicant's Representative, Mr. Eckhard Kuesters, Reg. No. 28,870 on 10/04/05.
4. The application has been amended as follows:
 - a. In Claim 20 Line 1, prior to the words "predicting method", the words -- computer-implemented -- have been inserted.
 - b. In Claim 21 Line 1, prior to the words "predicting method", the words -- computer-implemented -- have been inserted.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance.
6. Claim 20-21 and 31-32 are allowed.
7. The closest prior art that was found by the Examiner is:
 - a. Zhou, Mengchu et al., "Evaluation of Environmentally Conscious Product Designs". 1998 IEEE Int'l Conf. on Systems, Man, and Cybernetics. Oct. 1998. vol.4, pp.4057-4061. (Henceforth referred to as "**Zhou**").
 - b. Anderi, R. et al. "Design for Environment - A Computer-Based Cooperative Method to Consider the Entire Life Cycle." Proc. EcoDesign '99: 1st Int'l Symposium on Environmentally Conscious Design and Inverse Manuf. Feb. 1999. pp.380-385. (Henceforth referred to as "**Anderi**").
 - c. U.S. Patent 5,852,560 to Takeyama et al. Filed 5/30/1997. (Henceforth referred to as "**Takeyama**").
 - d. Terminally disclaimed co-pending applications 09/818,612 and 10/323,792.
8. As stated in the previous Office Actions, neither Zhou nor Anderi expressly teach the formulas claimed in claims 20-21 or 31-32. In particular, neither Zhou nor Anderi expressly teach the use of the "recovery rate" of claims 20 and 31, or the "triangular distribution" of claims 21 and 32. (Claim 31-32 are computer program claims that recite limitations equivalent to those recited in method Claims 20-21.)

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9. Takeyama does not expressly teach the step of “determine[ing] a product recovery time by a shorter one of the product worth life and the product useful life”, which is claimed in Claims 20-21 and 31-32.
10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ayal I. Sharon whose telephone number is (571) 272-3714. The examiner can normally be reached on Monday through Thursday, and the first Friday of a bi-week, 8:30 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached at (571) 272-3749.

Any response to this office action should be faxed to (571) 273- 8300, or mailed to:

USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

or hand carried to:


USPTO
Customer Service Window

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 Receptionist, whose telephone number is (571) 272-2100.

Ayal I. Sharon
Art Unit 2123
October 6, 2005


Paul L. Rodriguez 10/6/05
Primary Examiner
Art Unit 2125